

AMENDMENT UNDER 37 C.F.R. § 1.111

U.S. Application No.: 09/987,667

Attorney Docket No.: Q67321

REMARKS

Status of the Application

Claims 1-15 are the claims that have been examined in the application. Claims 1-15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 5-8 and 12-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Grdina, U.S. Patent 6,965,872 in view of Aarnio, U.S. Publication 2004/0078274. Claims 2, 3, 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Grdina and Aarnio as applied to claims 1 and 8 above, and further in view of Mandler, U.S. Patent 6,785,661. Claims 4 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Grdina and Aarnio as applied to claims 1 and 8 above, and further in view of Luke, U.S. Patent 6,131,087.

By this Amendment, Applicants are amending claims 1-15 and adding claims 16 and 17.

Information Disclosure Statement

Per a phone conversation on October 24, 2007, the Examiner has agreed to consider and initial reference JP 11-120253, which was submitted along with an English language application corresponding to JP 11-120253, in the Information Disclosure Statement filed July 9, 2007.

Claim Objections

Claims 1, 8 and 15 are objected to because of informalities.

Applicant hereby amends claims 1, 8 and 15 in order to cure the noted deficiencies.

AMENDMENT UNDER 37 C.F.R. § 1.111

U.S. Application No.: 09/987,667

Attorney Docket No.: Q67321

Claim Rejections - 35 U.S.C. § 112

Claims 1-15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants hereby amend claims 1-15 in order to cure the noted deficiencies.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 5-8 and 12-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Grdina, U.S. Patent 6,965,872 in view of Aarnio, U.S. Publication 2004/0078274.

The Examiner has provided a substantially identical rejection in the instant Office Action as was presented in the Office Action dated March 9, 2007. Therefore, the following comments will be directed toward the Examiner's Response to Arguments found on pages 19 and 20 of the instant Office Action.

Claim 1 recites, in part, "communicating the information request directly to a plurality of information provider terminals." The Examiner alleges that a combination of Grdina and Aarnio discloses each of the aspects of claim 1. Applicant respectfully disagrees.

On page 19 of the instant Office Action, the Examiner alleges that Applicant argues that "Grdina fails to explicitly disclose communicating the information request directly to a plurality of information provider terminals." The Examiner then argues that the definition of "directly" conflicts with its use in claim 1. Specifically, the Examiner alleges that Applicant argues that the information requester terminals directly communicate with information provider terminals. However, claim 1 is directed a method wherein an information request *is received* from an

AMENDMENT UNDER 37 C.F.R. § 1.111

U.S. Application No.: 09/987,667

Attorney Docket No.: Q67321

information requester terminal, and is subsequently *communicated to* information provider terminals. As recited in claim 15, a management server actually communicates between the information requester terminal and the information provider terminals. The *server* directly communicates an information request to the information provider terminal. Thus, the Examiner's interpretation of the claims is incorrect based on the claim language.

Further, on page 20 of the instant Office Action, the Examiner argues that Grdina discloses an exchange of data in a network environment, where "retailers, their customers and competitors ... may also exchange information." However, as noted on page 10 of Applicant's Amendment dated May 25, 2007, Grdina discloses the creation of a database which allows a consumer to search the database using various search criteria in order to find the cost of goods/services being offered by a plurality of retailers. See abstract of Grdina. Separately, retailers may upload prices for selected goods/services to web pages created by the database so that the consumer may search for various goods/services. See col. 12, lines 15-44 of Grdina. Thus, Grdina fails to disclose that the information request is communicated to *a plurality of information provider terminals*. Rather, Grdina discloses that information requests are simply directed to a searching unit, which searches the database for information matching the request. Therefore, Grdina fails to disclose "communicating the information request directly to a plurality of information provider terminals" as recited in claim 1.

Aarnio fails to cure the deficient disclosure of Grdina as the server disclosed in Aarnio fails to send an information request from a customer to the actual information provider terminals.

AMENDMENT UNDER 37 C.F.R. § 1.111

U.S. Application No.: 09/987,667

Attorney Docket No.: Q67321

Claim 1 is thus patentable over the applied art. Claims 8 and 15 recite limitations similar to claim 1, and are patentable for reasons analogous thereto. Claims 5-7 and 12-14 are patentable at least by virtue of their respective dependencies.

Claims 2, 3, 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Grdina and Aarnio as applied to claims 1 and 8 above, and further in view of Mandler, U.S. Patent 6,785,661.

Claims 2, 3, 9 and 10 are dependent from claims 1 and 8. Because the combination of Grdina and Aamio fail to teach or suggest all of the elements of claims 1 and 8, and because Mandler fails to cure the defects noted with respect to claims 1 and 8, claims 2, 3, 9 and 10 are patentable at least by virtue of their dependency.

Claims 4 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Grdina and Aarnio as applied to claims 1 and 8 above, and further in view of Luke, U.S. Patent 6,131,087.

Claims 4 and 11 are dependent from claims 1 and 8. Because the combination of Grdina and Aamio fail to teach or suggest all of the elements of claims 1 and 8, and because Luke fails to cure the defects noted with respect to claims 1 and 8, claims 4 and 11 are patentable at least by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111

U.S. Application No.: 09/987,667

Attorney Docket No.: Q67321

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Dion R. Ferguson/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Dion R. Ferguson
Registration No. 59,561

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: December 5, 2007